

REMARKS

In the present Amendment, Claim 1 has been amended to delete the formula [2].

Claim 5 has been amended to delete some Markush group members. Claim 5 has also been amended to correct a typographical error, by replacing “2-metylbenzoate” with --2-methylbenzoate--.

Claims 1 and 4 have been amended to delete the brackets for clarity purposes.

No new matter has been added and entry of the Amendment is respectfully requested. Upon entry of the Amendment, Claims 1 and 4-10 will be all the claims pending in the application.

I. Response to Rejection Under 35 U.S.C. § 112, Second Paragraph

At page 2 of the Office Action, Claims 1, 4, 6, 7 and 10 have been rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite.

Applicants respectfully submit that the amended claims are not indefinite. In making the rejection, Applicants believe that the Examiner may have considered that the portions in the brackets in the claims were deleted. The Examiner is kindly directed to the claims as originally filed wherein the brackets were present and thus cannot represent deleted portions.

Nonetheless, as described above, Applicants have in the Amendment amended Claims 1 and 4 to delete all the brackets for the definitions of the substituents. It is now much clearer that all the substituents, i.e., R, X, Ar, Y₁, Y₂, Z, R₁, R₂ and R₃, are defined in the claims. Accordingly, the Examiner is respectfully requested to reconsider and withdraw the rejection, and to further examine Claims 1, 4, 6, 7 and 10 on the merits.

II. Response to Rejection Under 35 U.S.C. § 102

At page 2 of the Office Action, Claims 5, 8 and 9 have been rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Sirinyan et al (U.S. Pat. No. 5,846,997).

Applicants respectfully submit that the amended claims are not anticipated by Sirinyan et al for at least the following reasons.

As noted by the Examiner, Sirinyan et al discloses a mixture of benzyl acetate and alcohol as the solvent of a water-emulsifiable liquid. As described above, Applicants have in the present Amendment amended Claims 1 and 5, from which Claims 4-10 depend primarily or secondarily, to delete the aromatic ester solvents of formula [2] which include benzyl acetate. Accordingly, Applicants respectfully submit that the present invention is not anticipated by Sirinyan et al and request withdrawal of the rejection.

III. Conclusion


In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Application No.: 10/663,843

Attorney Docket Q77444

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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